Senate Engrossed House Bill

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

CHAPTER 200

HOUSE BILL 2303

AN ACT

AMENDING SECTION 23-392, ARIZONA REVISED STATUTES; RELATING TO OVERTIME COMPENSATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 23-392, Arizona Revised Statutes, is amended to read:

23-392. Overtime compensation for certain law enforcement or probation officer activities; option; definitions

A. Subject to subsection B of this section, any person engaged in law enforcement activities shall be compensated for each hour worked in excess of forty hours in one work week, unless otherwise agreed to by the employer and the person engaged in law enforcement activities, at the option of ~~such~~ THE employer at the following rates:

1. One and one-half times the regular rate at which ~~such~~ THE person is employed or one and one-half hours of compensatory time off for each hour worked if by the person's job classification overtime compensation is mandated by federal law.

2. If by the person's job classification federal law does not mandate overtime compensation, the person shall receive the regular rate of pay or compensatory leave on an hour for hour basis.

B. If an employee and employer have an agreement pursuant to subsection A of this section regarding the employee's alternate work period and the employee becomes employed in a new position with the employer, the employee may terminate the existing alternate work period agreement.

C. Subsection A of this section does not preempt agreements that supplant, revise or otherwise alter the provisions of this section, including preexisting agreements between the employer and the law enforcement officer or the law enforcement officer's lawful representative association.

D. Any person engaged in probation officer activities shall be compensated for each hour worked in excess of eighty hours in a two week work period at the option of ~~such~~ THE employer at the following rates:

1. One and one-half times the regular rate at which ~~such~~ THE person is employed or one and one-half hours of compensatory time off for each hour worked if by the person's job classification overtime compensation is mandated by federal law.

2. If by the person's job classification federal law does not mandate overtime compensation, the person shall receive the regular rate of pay or compensatory leave on an hour for hour basis.

E. Paid leave may be considered hours worked for the purpose of calculating overtime.

F. The director of the department of public safety may establish alternate work periods, in accordance with federal law, for the purpose of determining overtime compensation for those employees of the air rescue section of the department of public safety.

G. Notwithstanding subsection E of this section, an alternate work period established by the director of the department of public safety for the purpose of determining overtime compensation shall not exceed twenty-eight days or one hundred sixty hours.

H. For the purposes of this section:

1. "Person engaged in law enforcement activities":

(a) Means:

(i) A law enforcement officer as defined by section 38-1001.

(ii) A peace officer as defined by section 41-1701.

(iii) Any security personnel responsible for controlling or maintaining custody of inmates in correctional institutions maintained by this state or a county, city or town.

(iv) ANY LAW ENFORCEMENT PERSONNEL UNDER SECTION 41-1714 RESPONSIBLE FOR DIRECTLY ASSISTING LAW ENFORCEMENT OFFICERS IN THE PERFORMANCE OF LAW ENFORCEMENT ACTIVITIES.

(b) Does not include any ~~such~~ person employed in a bona fide executive or administrative capacity as defined by the employer.

2. "Person engaged in probation officer activities":

(a) Means a probation officer or surveillance officer who is appointed pursuant to section 8-203, 12-251 or 12-259.

(b) Does not include any ~~such~~ person employed in a bona fide executive or administrative capacity as defined by the employer.

APPROVED BY THE GOVERNOR MAY 8, 2013.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 8, 2013.

Passed the House March 4, 2013

by the following vote: 54 Ayes,

5 Nays, 1 Not Voting

Speaker of the House

Pro Tempore

Cheryl Laube

Chief Clerk of the House

Passed the Senate April 23, 2013

by the following vote: 26 Ayes,

2 Nays, 2 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20_____

at _____ o'clock _____M.

Secretary to the Governor

Approved this _____day of

at _____o'clock _____M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20_____

at _____ o'clock _____M.

Secretary of State

H.B. 2303

HOUSE CONCURS IN SENATE AMENDMENTS AND FINAL PASSAGE

May 2, 2013,

by the following vote: 57 Ayes,

1 Nays, 2 Not Voting

Speaker of the House

Cheryl Laube

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

2 day of May, 2013,

at 3:30 o'clock P M.

Lindsay Scornavacco

Secretary to the Governor

Approved this 8th day of

May, 2013,

at 4:05 o'clock P. M.

Janice K. Brewer

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 8th day of May, 2013,

at 4:47 o'clock P M.

Ken Bennett

Secretary of State

H.B. 2303